

Rödl & Partner

Planning projects

Overview of Legal Regulation of
Construction Activities in Uzbekistan



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Projections

Design and survey work include development of design documentation, its expert examination and author's supervision over the construction process.

Design and survey work consists of:

1	Engineering and survey works
2	Development of project documentation in accordance with the stages agreed upon by the parties
3	Expert support of project documentation by the customer and contractor
4	Providing author's supervision over construction

In Uzbekistan, construction design is regulated by a number of legal norms and documents:

- Urban Planning Code of the Republic of Uzbekistan
- DCM No. 200 dated 20.04.2022
- ShNK¹ 1.03.01-16

It is important to keep in mind that design documentation is divided into pre-project documentation and project documentation.

Pre-project documentation serves as a project justification function, analyzing options and determining preliminary cost and funding levels. It includes:

- Technical and Economic Justification (TEJ) – justifies the choice of the best technical and technological solution.
- Technical and Economic Calculation (TEC) – a document that provides a calculation of the preconditions for project implementation, including marginal cost and funding levels.

¹ ShNK - Urban planning assessment standards of Uzbekistan

Project documentation:

Design documentation is developed based on approved urban planning regulations and defines the more specific details of the project. It includes:

- Working design – description of volumetric planning, structural and technical solutions.
- Design and estimate documentation – includes estimates of construction, reconstruction and repair costs.
- Working documentation – contains detailed technical solutions for performing construction works.

Design documentation is also subject to mandatory approvals with various government services, such as sanitary and epidemiological, fire and environmental authorities.

The following documents should be prepared during the development of projects for construction, reconstruction and current repair of buildings:

1. The documents specified in the Decision of Cabinet of Ministers No. 200 of April 20, 2022 “On Approval of Unified Administrative Building Rules in the field of construction” (conclusion of the working body of the Council on Architecture and Urban Planning on approval of architectural and planning assignment, design and estimate documentation, change of specialization of buildings and structures, repeated permission to design construction, reconstruction and construction of additional buildings and structures on its own territory);
2. Technical conditions for connection to communication engineering networks;
3. Topographic image materials for construction design;
4. The lines of regulation of construction and use of land plots specified in the detailed planning project or cadastral document of the object (red line);
5. Engineering geologic and other types of research materials;
6. Positive conclusion of the state environmental impact assessment;

7. Terms of reference for the protection of cultural heritage sites;
8. Act (certificate) on the condition of elevators, gas networks and equipment;
9. Information on man-made objects located near the renovated residential buildings and materials on their impact zones in case of possible emergency situations;
10. Act of revealed defects during reconstruction, capital and current repair of buildings and structures (materials of visual and instrumental technical inspection of the condition of the main building structures)².

Construction and reconstruction of facilities is carried out in strict compliance with the design documentation, which is also the basis for current repairs. Current repairs can be carried out both on the basis of design documentation and defect inspection acts, depending on the type of work.

Designing at various stages includes preparation of technical specifications, sketch designs, interior and exterior concepts, as well as development of master plans of objects in 3D format. This is divided into stages: design project, working project and one-stage design for simple objects.

Design documentation shall be drawn up in accordance with GOST³ 21.1101-2013, and drawings shall comply with the applicable norms and rules of urban planning. In the process of development, special technical conditions may be required for compensating measures in parts that do not comply with the norms.

If city planning regulations change, the project documentation must be corrected in a timely manner. Design documents include the detailed design, cost estimates and working drawings, as well as lists of requirements for materials and equipment.

² ShNK 1.03.01-16

³ GOST (FOCT) – Goverb State Standard e.g. national standard system of Uzbekistan and Post Soviet Union countries

The energy efficiency measures of the facility shall be developed in accordance with the regulatory requirements, and the structure and content of the working designs shall comply with the established standards. Parallel design of facilities shall be carried out in accordance with the approved provisions.

It is also worth considering recent innovations in construction legislation, namely: From July 2024, the approval of design documentation for the construction and reconstruction of facilities is carried out only after the data is entered into the Interdepartmental Geoinformation Program Complex “State Urban Planning Geoinformation System”. In addition, it is impossible to approve design and estimate documentation without a positive opinion from the State Fire Supervision Authorities.

From January 1, 2024, all projects of new construction projects of III-IV categories of hazard level, including projects of construction of hydraulic structures, must be based on monitoring data on the risks associated with climatic conditions in the construction zone. This data is provided by the Agency of Hydrometeorological Service of the Republic of Uzbekistan.

Also, in 2024, design and estimate documentation for the construction and reconstruction of individual objects, additionally included in the state programs and costing more than 10 billion sums, is subject to review by the Project Office of the Ministry of Construction and Housing and Communal Services. It is not allowed to approve project assignments for individual objects without prior coordination with the Project Office, as well as submission of design and estimate documentation for expertise in the absence of recommendations of this office.

Approval of project assignments, review of design and estimate documentation and provision of recommendations on them are carried out by the Project Office through the Transparent Construction system.

Also, important factors to consider when developing design documents are:

- Energy efficiency of buildings in accordance with building codes (for some buildings, requirements to install renewable energy⁴);
- Building electric vehicle charging stations⁵;
- New procedure for obtaining authorization to increase the number of floors⁶;
- New Seismic Safety Orders and Measures⁷;
- Determining the location of waste collection sites (mandatory for residential buildings)⁸;

The design documentation for the construction or reconstruction of an apartment building must contain: a list of residential and non-residential premises, common property, information on the area and boundaries of the land plot, as well as the adjacent territory (plans with facilities, parking lots, children's and sports grounds, recreation areas). Without this information, the conclusion on the project documentation is not issued.

In the documentation on laying of engineering networks, it is necessary to specify costs for compensation of damage to landowners and users, including reduction of irrigated land, reduction of fertility and other losses.

The design of public buildings shall consider the needs of persons with disabilities, including the provision of parking spaces of appropriate size and number.

Until December 31, 2028, the simultaneous application of both national normative documents and foreign normative documents in the field of technical regulation of urban planning activities is allowed in the territory of the Republic of Uzbekistan.

⁴ Decree of the President of RUz from 09.09.2022 N UP-220

⁵ Decree of the President of RUz from 19.12.2022 N PP-444

⁶ Decree of the President of RUz from 26.07.2023 N PP-236

⁷ Decree of the President of RUz from 17.04.2024 N PP-161

⁸ Decree of the President of RUz from 11.08.2022 N UP-189

- Design documentation developed on the basis of foreign normative documents should be adapted with the involvement of local design and survey organizations and with the development of special technical conditions compensating for differences with national norms.
- The customer (investor) is obliged to cover the costs of independent foreign specialists and consultants engaged by the authorized body to review the adapted project documentation, regardless of the results of such review.

In conclusion, effective design and survey work in construction necessitates a structured approach involving both pre-project and project documentation. Pre-project documentation serves to justify the project and estimate costs, while project documentation provides comprehensive technical solutions and design specifics. Compliance with mandatory government approvals and established standards throughout the construction process is crucial for ensuring quality and successful project execution. By adhering to these protocols, we can achieve not only the desired outcomes but also enhance the overall integrity of the construction process.

BUILDING CODES AND REGULATIONS

Construction norms and regulations in Uzbekistan require strict compliance with them during construction. Until December 31, 2028, the use of several foreign normative documents (Eurocodes, British Standards, etc.) with mandatory adaptation to local conditions is allowed, while the costs of hiring foreign specialists are borne by the customer⁹.

To obtain a construction permit, several steps are required: payment of state fees at the State Services Center, automated processing of the questionnaire and analysis of the object by the regional inspectorate. The permit is issued with a digital signature within 7 working days. The key document is the architectural and planning assignment (APZ), which is required for project approval and compliance control. Obtaining an APZ is a mandatory step before submitting an application for a construction permit, which is reviewed within 1 to 10 working days.

The project may also be subject to special requirements, including obtaining licenses and permits in accordance with the Law of the Republic of Uzbekistan No. 57 regulating the specifics of construction activities.

GENERAL PROVISIONS ON LICENSING

Licensing of construction activities in the Republic of Uzbekistan is regulated by the main legislative act – the Law “On Licensing, Permit and Notification Procedures” (Law of RUz – 701), adopted on July 14, 2021. In addition to this Law, there are other regulations, including the Law “On State Duty”, as well as various decrees of the President of Uzbekistan, which are aimed at simplifying permitting procedures for business activities.

⁹ Decree of the President of the Republic of Uzbekistan, dated 13.03.2020 No. UP-5963

In accordance with this legislation, licenses for construction activities are issued exclusively to legal entities and have an unlimited validity period. The exception is licenses in the field of telecommunications, which can be issued in the form of both standard and individual licenses.

LICENSE REQUIREMENTS AND CONDITIONS

Licensing of construction activities in the Republic of Uzbekistan is carried out in accordance with the requirements defined by Law No. Law of Ruz – 701. The process of obtaining a license includes compliance with license conditions, among which are¹⁰:

11. Compliance with applicable legislation in the field of licensing.
12. Availability in the company's staff of qualified specialists with relevant professional education and work experience of at least five years¹¹.
13. Compliance of the material and technical base with the established standards and requirements.

It should be noted that from March 1, 2019, through August 29, 2023, there was a requirement to have at least two certified engineers on staff¹², but this requirement has been eliminated, simplifying the licensing process for companies engaged in design activities¹³.

¹⁰ The Law of RUz "On licensing, permitting and notification procedures" from 14.07.2021 N Law of Ruz – 701 (from 15.07.2021; before 15.07.2021 - the Law of RUz "On licensing of certain types of activities" 25.05.2000 N 71-II);

¹¹ (from 1.03.2022 – item 9 of Annex N 20 to the Unified Regulation "On the order of licensing certain types of activities through a special electronic system", approved by the Cabinet of Ministers of RUz from 21.02.2022 N 80; until 1.03.2022 – item 6 of the Regulation "On licensing activities for design, construction, operation of high-risk facilities and potentially hazardous industries", approved by the Cabinet of Ministers of RUz from 24.09.2003 N 410).

¹² p. 1 "c" of the Decree of the President of RUz dated 14.11.2018 N UP-5577

¹³ By the Decree of the President of RUz from 28.08.2023 N UP-151

PROCEDURE FOR OBTAINING A LICENSE

Since January 1, 2021 in the Republic of Uzbekistan the procedure for applying for a license is carried out electronically through the system “License” or the Unified Platform for Integration of Governmental Services (UPIGS)¹⁴. The licensing authority conducts all necessary approvals and inspections without direct participation of the applicant.

During the application process, the applicant must provide the following information:

1. Taxpayer Identification Number (TIN).
2. Type of licensed activity.
3. Information confirming compliance with the established license requirements.

It is important to note that refusal to accept an application for a license is not allowed. Once an application is submitted, it is automatically registered and a confirmation of registration is immediately sent to the applicant, which ensures transparency and efficiency of the licensing process.

ADDITIONAL REQUIREMENTS FOR CERTAIN TYPES OF ACTIVITIES

From November 25, 2023, additional requirements are introduced for licensing the design, construction and operation of high-risk facilities, including having professionals with five years of experience and compliance with urban planning and health and safety legislation. Existing companies must comply with these requirements by March 1, 2024¹⁵.

¹⁴ p. 10 of the Decree of the President of RUz dated 24.08.2020 N UP-6044, Art. 25 of the Law N Law of RUz – 701.

¹⁵ DCM RUz from 23.11.2023 N 619

Applications are submitted through the “License” system with a review period of up to 20 working days (reduced period for some activities – 5-10 days). Notification of the results is made within an hour. In case of rejection, 10-30 days are given to eliminate deficiencies, reconsideration takes 5 days. When submitting through electronic portals there is a 10% discount, and in case of delay of more than 3 days 50% of fees are refunded.

Compliance with license requirements is monitored by licensing authorities, which can conduct inspections and apply to the courts to suspend licenses or impose fines.

PENALTIES FOR VIOLATION OF LICENSING LEGISLATION IN UZBEKISTAN

In Uzbekistan, licenses and permits from authorized bodies are required to carry out design activities in the construction of high-risk facilities. The main types of licenses include licenses for the design, construction and operation of high-risk facilities, as well as licenses for handling explosives and toxic substances. Permits are required for transportation of heavy cargo, design of facilities that pose a threat to flight safety, and operation of unmanned aerial vehicles¹⁶.

Compliance with licensing and permitting requirements is monitored by the relevant authorities, and subcontractors and design organizations are required to have all necessary documents for legal activities.

¹⁶

Since 16.10.2021 the procedure of state control over compliance with license requirements and conditions is regulated by Art. 49 - 57 of the Law of RUz “On licensing, permitting and notification procedures” dated 14.07.2021 N Law of RUz – 701.

Violations of license requirements are subject to penalties, including:

- 1. License suspension** (up to 10 days by the licensor and up to 6 months by the court)¹⁷.
- 2. Termination of a license** upon expiration or failure to apply for renewal.
- 3. Revocation of a license** for various reasons, with a prohibition on reissuance after revocation for a violation for a period of one year.

These measures are aimed at enforcing the law and improving safety in the construction industry¹⁸.

Uzbekistan has penalties for legal entities for violations of license requirements¹⁹. Main aspects:

1. Penalties:

- For carrying out activities without a license – 250-300 BCV.
- For operating with a suspended license or obtaining a license based on false documents – 300 BCV.
- Fines are imposed by authorized bodies, and notices of fines are sent within 5 working days.

2. Discounted fines:

- Starting March 1, 2024, you can voluntarily pay 50% of the fine within 15 days or 70 % within 30 days²⁰.
- Individuals who report a violation may receive 10% of the fine.

¹⁷ Art. 188 of the Economic Procedural Code, approved by the Law of RUz dated 24.01.2018 N Law of RUz – 461; until April 1, 2018. – Art. 148 of the Economic Procedural Code of RUz

¹⁸ of Act No. Law of RUz – 701.

¹⁹ Act No. Law of RUz – 701:

²⁰ Decree of the President of RUz dated 24.08.2020 N UP-6044

3. Protecting the rights of license applicants:

A license applicant is not liable for illegal activities if the licensing authority has not decided within the established time limits. In this case, he may start the activity with notification of the authorized body.

These measures are aimed at strengthening control over licensing and protecting the rights of bona fide participants.

When obtaining permits for construction and operation of facilities in Uzbekistan, it is important to comply with safety requirements. Key points include:

1. Safety Management:

Under the direction of the Cabinet of Ministers and the State Industrial Safety Committee, the establishment of safety requirements, licensing of activities and industrial safety examinations are carried out.

2. Registration and expertise of hazardous production facilities:

Hazardous production facilities are subject to registration in the state register. A positive conclusion of the expert examination of design documentation is mandatory for registration and obtaining permits for construction work.

3. Objects of Examination:

The expertise includes evaluation of design documentation, technical devices and other documents related to the operation of hazardous facilities.

4. Insurance:

- Liability for damage caused as a result of an accident at a hazardous facility is subject to compulsory insurance.
- The minimum sums insured vary according to the type of facility: 250,000 BCV (type one), 50,000 BCV²¹ (type two) and 10,000 BCV (type three).

5. Permits:

Permits are issued for the use of technical devices and testing at hazardous production facilities after a successful examination.

These measures are aimed at ensuring safety of construction works and protection of life and health of people.

²¹

BCV – Basic Calculation Value in Uzbekistan. 1 BCV = 340 000 sum for 27.09.2024 y.

CONSTRUCTION SUPERVISION

(Author's supervision and technical supervision)

Being an important part of design and survey works, author's and technical supervision are mandatory at all stages of construction of objects and are carried out respectively by the author of the project and the customer, or with the involvement of certified specialists.

Author's supervision controls the compliance of construction and installation works with urban planning documentation and is performed by the design organization that developed the project. Technical supervision, in its turn, is a general control in the sphere of construction, performed by the customer when carrying out and accepting construction and installation works at the objects²².

The client is obliged to ensure that author's supervision of construction works is carried out by the organization that developed the design documentation throughout the construction period. At the same time, the design organization may delegate its authority for author's supervision to another licensed developer of town-planning documents on the basis of a concluded contract.

Irrespective of the form of ownership and departmental affiliation of the facility, the customer must conclude a contract on author's supervision with the design organization before the facility is registered with the regional inspectorate for construction and housing and communal control at its location.

Technical supervision by the customer service is carried out throughout the entire construction period. Technical supervision is performed by a certified specialist who is permanently engaged in the customer's service or is contracted. This specialist is appointed by the order of the head of the organization and assigned to the construction site.

²²

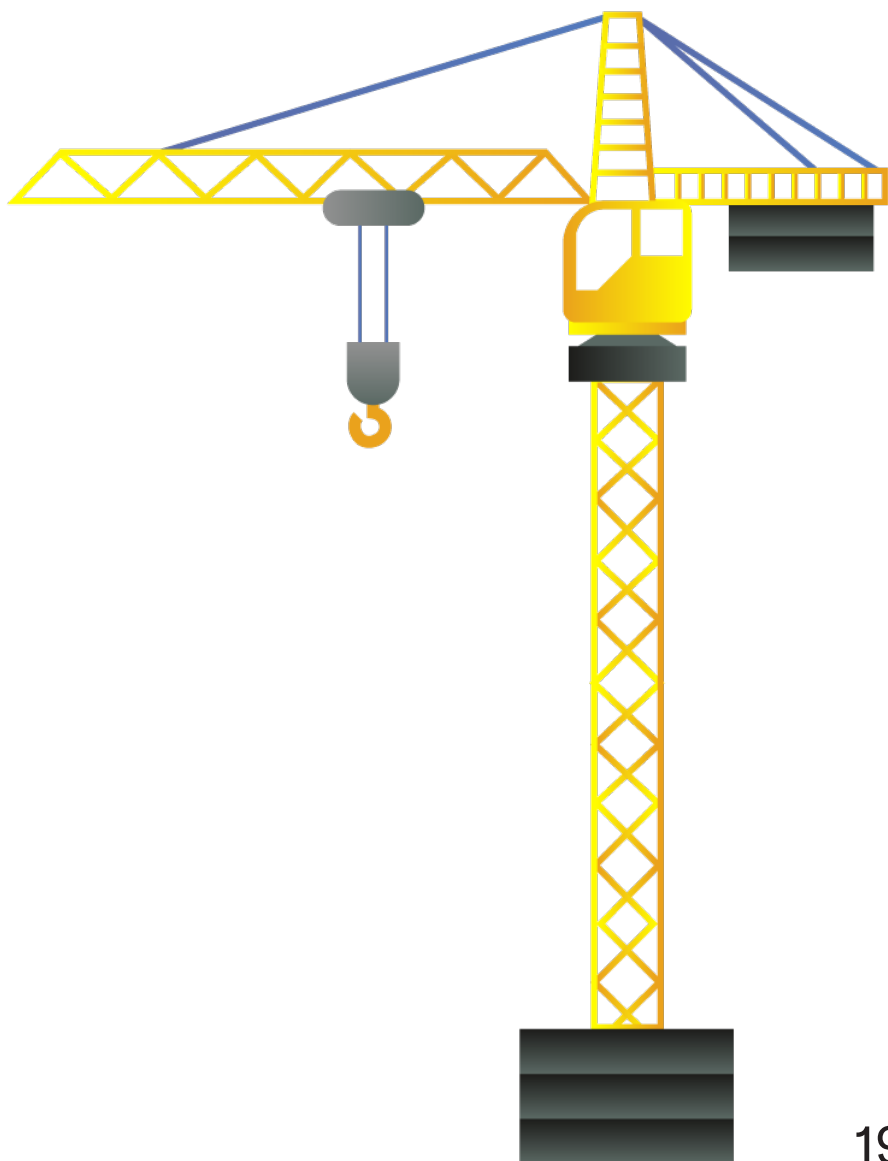
Cabinet of Ministers Resolution No. 321 of 20.05.2021.

A certified specialist with at least three years of work experience and higher education in the field of urban planning shall be appointed to perform technical supervision.

The primary responsibilities of the Technical Supervision Specialist include:

- Participation in the preparation of primary permitting documentation, such as land allocation, technical conditions for connection to engineering networks, architectural and planning assignment and design assignment;
- Participation in the registration of construction projects with the regional inspection of control in the sphere of construction and housing and communal services.

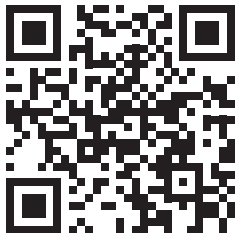
In conclusion, the roles of author's and technical supervision are integral to the construction process, ensuring adherence to project specifications and regulatory standards. Author's supervision focuses on compliance with urban planning documentation, while technical supervision provides overarching control during construction. It is the client's responsibility to secure a contract for author's supervision before facility registration and to appoint a qualified technical supervisor for the duration of the project. By establishing these supervisory mechanisms, we can enhance project integrity and ensure successful outcomes in construction.



About us

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